

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**THERESA COOPER, on behalf of herself and all
others similarly situated,**

Plaintiff,

v.

Case No. 20-cv-240

**OS RESTAURANT SERVICES, LLC, et. al.
Defendants.**

ORDER

On February 9, the parties filed a joint Motion for Preliminary Approval of Settlement with this Court. Upon review, this Court **GRANTS** the parties' Joint Motion for Preliminary Approval of Settlement (ECF No. 23) and **PRELIMINARILY APPROVES** the parties' Settlement Agreement (ECF No. 23-1), as a fair, reasonable, and adequate resolution of a bona-fide dispute under the FLSA and the WWPLC. **THEREFORE, IT IS ORDERED** that:

- 1.** The Settlement Agreement is preliminarily approved as fair, reasonable, and adequate;
- 2.** This case is certified as a collective action under 29 U.S.C. § 216(b) and as a class action under Fed.R.Civ.P. 23 for the purpose of settlement only;
- 3.** Named Plaintiff, Theresa Cooper, is appointed as the Class Representative;
- 4.** Walcheske & Luzi, LLC is appointed as Class Counsel;
- 5.** The Class Notice, **which shall include information about the individual recipient's particular recovery under the settlement, which is necessary to determine whether to participate and/or object**, constitutes the best notice practicable under the circumstances, including individual notices to all Putative Settlement Class members who can be identified with reasonable effort, and constitutes valid, due, and sufficient notice to Putative Settlement Class members, in full compliance with the requirements of applicable law, including the Due Process Clause of the United States Constitution;
- 6.** Any member of the Putative Settlement Classes who wishes to object to the Settlement must provide such objection, as set forth in the Class Notice, within forty-five (45) calendar days after the mailing of the Class Notice;

7. Any member of the Putative FLSA Settlement Class who wishes to participate in the Settlement and to receive compensation under the terms of this Agreement must submit an Opt-In Claim Form no later than forty-five (45) calendar days after the mailing of the Class Notice ("Claim Period"), per the instructions set forth in the Class Notice;
8. Any member of the Putative Wisconsin Settlement Class who does not wish to participate in the Settlement and to receive compensation under the terms of this Agreement must exclude him or herself during the Claim Period per the instructions set forth in the Class Notice;
9. Any member of the Putative FLSA Settlement Class who timely submits an Opt-In Claim Form during the Claim Period and who becomes part of the Final FLSA Settlement Class will be bound by this Agreement and shall release all FLSA claims in the event the Court issues a Final Order approving the Settlement;
10. Any member of the Putative Wisconsin Settlement Class who does not exclude him or herself during the Claim Period per the instructions set forth in the Class Notice will be bound by this Agreement and shall release all WWPCL claims in the event the Court issues a Final Order approving the Settlement;
11. A Fairness Hearing will be held on **June 8, 2021 at 11:00 a.m. via teleconference**. The Court will initiate the call. Counsel shall provide the names and telephone numbers for hearing attendees;
12. Class Counsel shall file any remaining Motions – including a Motion for Attorneys' Fees and Costs, a Motion for Plaintiff's Service Payment, and a Motion for Final Settlement Approval – **on or before May 25, 2021**. The Court shall determine at the Fairness Hearing the amount of attorneys' fees, costs and administration-related expenses that shall be awarded to Class Counsel; and
13. Inquiries from any putative class members regarding the settlement shall be directed to Walcheske & Luzi, LLC.

IT IS FURTHER ORDERED that the parties' Joint Motion to Restrict Exhibit B and Exhibit C to Case Participants (ECF No. 24) is **GRANTED**.

IT IS FURTHER ORDERED that the parties' previous Joint Motion for Preliminary Approval (ECF No. 18) is **DENIED as moot**.

Dated this 12th day of February, 2021.

s/Lynn Adelman
LYNN ADELMAN
United States District Judge